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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/440,692	11/16/1999	TETSURO MOTOYAMA	5244-0104-2X	3301

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EXAMINER

ZIA, SYED

ART UNIT

PAPER NUMBER

2131

DATE MAILED: 03/29/2004

19

Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

09/440,692

Applicant(s)

MOTOYAMA ET AL.

Examiner

Syed Zia

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 15 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,3-9,11-17,19-25 and 27-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-9, 11-17, 19-25, and 27-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

This office action is in response to amendment filed on January 15, 2004 (Paper No. 18). Original application contained Claims 1-32. Applicant amended Claims 1, 9, 11-14, 17, 19-22, 25, and 27-30. Applicant cancelled Claims 2, 10, 18, and 26. The amendment filed on January 15, 2004 (Paper No. 18) have been entered and made of record. Therefore, presently pending claims are 1, 3-9, 11-17, 19-25, and 27-32.

### ***Information Disclosure Statement***

The information disclosure statement filed on January 15, 2004 (Paper No. 17) fails to comply with 37 CFR 1.98(a)(1), which requires a list of all patents, publications, or other information submitted for consideration by the Office. It has been placed in the application file, but the information referred to therein has not been considered.

### ***Response to Arguments***

Applicant's arguments filed July 16, 2003 (Paper No. 11) have been fully considered but they are not persuasive because of the following reasons:

Applicants argued that cited prior art (CPA) [Allard et al. U. S. Patent 6,018,619] does not teach the currently amended Claims 1, 9, 17, and 25 limitation such as “*feature of the device*

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*including the interface being monitored also operating to store the log of the monitored data in the same device” and “ ... no bi-directional communication required, i.e. no input is needed from a destination server, to begin the monitoring operation or to communicate the message of the monitored data”*

This is not found persuasive. The CPA clearly teaches and describes a method that involves initiating a connection request to an information server system by a client system or proxy server. Then responding, information requested, an acknowledgement enabling tracking and a location of a designated server. The session events are then monitored if a client tracking system is used, if not a usage log is generated. The usage log is then transmitted to the designated server. The method creates a usage log on a user's client computer and periodically transmits the usage log from the user's client machine to a usage tracking server computer to be incorporated in an overall usage log for a given information server computer. A proxy server may be connected between a client computer and an information server with the proxy server acting as a client to the information server and creating a usage log of the user's client computer access to the information server computer to be sent to usage tracking computer. CPA accurately reflects user's usage and improves the quality of statistics tracked by the service provider, thus permitting usage tracking of remote clients.

Examiner also assert that applicants' device is also a bi-directional device. Examples of uni-directional devices are logic gate, CD player, and LEDs.

Applicants clearly have failed to explicitly identify specific claim limitations, which would define a patentable distinction over prior arts.

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The examiner is not trying to teach the invention but is merely trying to interpret the claim language in its broadest and reasonable meaning. The examiner will not interpret to read narrowly the claim language to read exactly from the specification, but will interpret the claim language in the broadest reasonable interpretation in view of the specification. Therefore, the examiner asserts that CPA does teach or suggest the subject matter broadly recited in independent Claims 1, 9, 17, 25, and dependent Claims 3-8, 11-16, 19-24, and 27-32. Accordingly, rejections for Claims 1, 3-9, 11-17, 19-25, and 27-32 are respectfully maintained.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

1. Claims 1, 3-9, 11-17, 19-25, and 27-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Allard et al. U. S. Patent 6,018,619.

2. Regarding claims 1, 9, 17 and 25 Allard teaches and describes a system and method for tracking user activity on information servers, that relates to client-side usage tracking for computers connected by a communications network according to the client-server model, comprising (Fig1-3):

- a device comprising an interface of a target application, the interface comprising a plurality of operations to be selected by a user (col. 1 line 50 to line 60 and col. 5 line 22 to line 26);

- a monitoring device configured to monitor data of selecting of the plurality of operations of the interface by the user, and to encode and store the monitored data into a log-file in the device (col.5 line 1 to line 3, and col.9 line 10 to line 19);

- a communicating device configured to receive the log file of the monitored data, to decode the stored encoded log file, to create a message of the monitored data, and to then communicate the message of the monitored data (col.9 line 10 to line 42);

- wherein the monitoring device includes a control to automatically start the monitoring without an input from a device to which the message of the monitored data is to be communicated (col.10 line 11 to line 29); and

- wherein the communication device includes a control to automatically communicate the message of the monitored data by a unidirectional communication without requiring input from

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the device to which the message of the monitored data is to be communicated (col.11 line 48 to col.12 line 67).

3. Claims 3-8, 11-16, 19-24 and 27-32 are rejected applied as above rejecting claims 1, 9, 17 and 25. Furthermore, Allard teaches and describes that generally relates to network monitoring systems, and particularly relates to a client side usage monitoring and processing by recording user interaction with application software in a network environment, comprising:

- the device is an image forming device and the interface is an operation panel of the image forming device; and the device is an appliance and the interface is an operation panel of the appliance (col. 4 line 58 to line 61 and col. 2 line 29 to line 40);

- the communicating device sends the log of the monitored data when the user exits the device (col. 5 line 55 to col. 6 line 7);

- a setting unit configured to set a number of sessions of the device to be executed by the user prior to the communicating device communicating the log file of the monitored data (col. 4 line 62 to line 65);

- the monitoring device encodes the monitored data into the log file and the communicating device decodes the monitored data from the log file by defining the encoding and decoding objects as abstract classes and defining derived classes to include encoding and decoding algorithms (Fig. 3, Abstract, and col. 11 line 11 to line 21 and col. 11 line 62 to col. 12 line 10).

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- the communicating device communicates the log of the monitored data by Internet mail (Fig.1 and col. 5 line 36 to line 43).

### *Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Syed Zia whose telephone number is 703-305-3881. The examiner can normally be reached on Monday - Friday 9:00 AM to 5:00 PM EST.



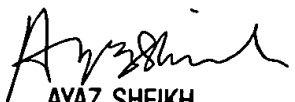
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 703-305-9648. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SZ

March 24, 2004

  
AYAZ SHEIKH  
SUPERVISORY PATENT EXAMINER  
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